

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 21-25 are pending in the application, with 21 being the independent claim. Claims 26-31 are sought to be cancelled without prejudice to or disclaimer of the subject matter therein as being directed to a non-elected invention(s). Claims 1-20 were previously cancelled. Claim 21 is sought to be amended herein for clarity. These changes are believed to introduce no new matter, and their entry is respectfully requested. Applicant reserves the right to prosecute similar or broader claims, with respect to the amended and canceled claims, in the future.

Based on the above amendment and the following remarks, Applicant respectfully requests that the Examiner reconsider all outstanding rejections and that they be withdrawn.

Rejection under 35 U.S.C. § 112

Claims 21-25 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Based on the amendment to claim 21, reconsideration and withdrawal of the rejection of claim 21 and of claims 22-25, which depend therefrom, is respectfully requested.

Rejection under 35 U.S.C. § 103

In the Office Action, the Examiner rejected claims 21-25 under 35 U.S.C. § 103(a) as being unpatentable over Wu et al., U.S. Publication No. 2005/0027771 ("Wu"), in view of Phillips et al., U.S. Patent 5,732,107 ("Phillips"). Applicant respectfully traverses.

The instant application, U.S. Appl. No.10/629,797, was assigned from David Chao Hua Wu to Broadcom Corporation, which assignment (Executed 7/28/2003) was recorded at the U.S. Patent and Trademark Office (PTO) at Reel 014349, Frame 0804.

The applied reference, Wu, U.S. Appl. No. 10/083,076, was assigned from David Chao Hua Wu and Russ Lambert to Broadcom Corporation, which assignment (Executed 2/25 and 26/ 2002) was recorded at the PTO at Reel 013099, Frame 0153, Reel 013358, Frame 0170, and Reel 017283, Frame 0700.

Thus, on 7/30/03, the date of filing of the instant application (Appl. No. 10/629,797), Broadcom Corporation co-owned the instant application and Wu (Appl. 10/083,076). Therefore, Wu is disqualified as a reference under 35 U.S.C. § 103(c)(1) from being used in a rejection under 35 U.S.C. § 103(a), as Wu qualifies as a reference only under 35 U.S.C. § 102(e), against the claims of the present application (10/629,797). See M.P.E.P. Section 706.02(I)(1)-(2).

Thus, because the Examiner has explicitly stated that Phillips does not teach or suggest all of the features of claim 21, this claim should be found allowable. Also, at least based on their respective dependencies to claim 21, claims 22-25 are allowable, as well as for their additional respective distinguishing features.

Therefore, Applicant respectfully requests reconsideration and withdrawal of the
§ 103(a) rejection of claims 21-25.

Conclusion

All of the stated grounds of rejection have been properly traversed,
accommodated, or rendered moot. Applicant therefore respectfully requests that the
Examiner reconsider all presently outstanding rejections and that they be withdrawn.
Applicant believes that a full and complete reply has been made to the outstanding
Office Action and, as such, the present application is in condition for allowance. If the
Examiner believes, for any reason, that personal communication will expedite
prosecution of this application, the Examiner is invited to telephone the undersigned at
the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully
requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Jason D. Eisenberg
Attorney for Applicant
Registration No. 43,447

Date: 8/31/07

1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600
713715_2.DOC